

7A Am. Jur. 2d Automobiles § 2

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Automobiles and Highway Traffic

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I. In General

A. Definitions and Distinctions

§ 2. Motor vehicles

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West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  1

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[What is "motor vehicle" within automobile guest statute, 98 A.L.R.2d 543](#)

A motor vehicle has been generally defined as every vehicle operated or driven upon a public highway which is propelled by power other than muscular power.¹ It is an automobile, truck, bus, or similar motor-driven conveyance.² However, "motor vehicle" is a broad term that has no universally accepted meaning.³ It has been considered to be much broader than the word "automobile," and to include various vehicles which cannot be classified as automobiles.⁴

A motor vehicle must be self-propelled⁵ and must not operate on tracks or rails.⁶ Some jurisdictions exclude vehicles powered by human or animal power.⁷

The term motor vehicle necessarily excludes trains⁸ or subways,⁹ but may either include¹⁰ or exclude trackless trolleys.¹¹ Some jurisdictions limit the meaning of the phrase "motor vehicles" to transportation on land, not water¹² or air,¹³ although it has been held that a motorboat is a motor vehicle within the meaning of federal bankruptcy law.¹⁴

Some jurisdictions have a requirement that a vehicle, in order to be deemed a “motor vehicle,” must have been designed for use upon a highway,¹⁵ or be commonly or generally used to transport persons and property over the public highways.¹⁶

The term motor vehicle has been held to include—

— a utility van.¹⁷

— an excavator operated in a solid waste transfer facility.¹⁸

— an all terrain vehicle.¹⁹

— an off-road recreation vehicle.²⁰

— a riding lawn mower.²¹

— an electric personal assistive mobility device.²²

— a motorized "pocket bike."²³

A golf cart may be considered a motor vehicle²⁴ if it is operated on the highways,²⁵ but not when it is driven on a golf course.²⁶

A motorized wheelchair or scooter has been held not to be a motor vehicle for purposes of a statute requiring the operators of certain motor vehicles, such as motorcycles and motortricycles, to wear protective helmets.²⁷

A truck, which is being towed by a motor home, is self-propelled, such that it is a "motor vehicle."²⁸

The phrase "self-propelled vehicle" contained in a motor vehicle code definition of "motor vehicle" does not exclude a motor vehicle that is not in good working order at the time it is brought to a recycler.²⁹

Observation:

A legislature can define motor vehicles one way for licensing requirements, and another way for infractions or financial responsibility.³⁰ Thus, what may be considered a motor vehicle for one statute may not be considered a motor vehicle for another.³¹

Whether a particular vehicle falls within a definition of a motor vehicle is normally a question of law.³²

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Footnotes

¹ [Mangra v. China Airlines, Ltd.](#), 7 Misc. 3d 499, 790 N.Y.S.2d 370 (N.Y. City Civ. Ct. 2005).

- 2 Stanton v. City of Battle Creek, 466 Mich. 611, 647 N.W.2d 508 (2002).
- 3 Williams v. Radivoj, 111 B.R. 361 (S.D. Fla. 1989).
- 4 State v. Carpenter, 113 Idaho 882, 749 P.2d 501 (Ct. App. 1988); State v. Ridinger, 364 Mo. 684, 266 S.W.2d 626, 42 A.L.R.2d 617 (1954); Jernigan v. Hanover Fire Ins. Co. of N. Y., 235 N.C. 334, 69 S.E.2d 847 (1952); State v. Sohn, 193 Wis. 2d 346, 535 N.W.2d 1 (Ct. App. 1995).
As to what constitutes a “motor vehicle” within statutes making it an offense to drive while intoxicated or under the influence of alcohol, see § 342.
As to the meaning of “motor vehicle” for no-fault insurance purposes, see Am. Jur. 2d, Automobile Insurance § 353.
- 5 Bills v. U.S. Fidelity & Guar. Co., 280 F.3d 1231 (9th Cir. 2002) (applying Arizona law); Nationwide Mut. Ins. Co. v. Worthey, 314 Ark. 185, 861 S.W.2d 307 (1993); Bertrand v. Board of County Com'rs of Park County, 872 P.2d 223 (Colo. 1994); Metal Management West, Inc. v. State, 251 P.3d 1164 (Colo. App. 2010); State v. Weyer, 831 N.E.2d 175 (Ind. Ct. App. 2005); State v. Thomas, 28 Kan. App. 2d 655, 20 P.3d 82 (2001); Mike Eskew Motor Co., Inc. v. Kelley, 583 So. 2d 95 (La. Ct. App. 3d Cir. 1991); Mull v. Equitable Life Assur. Soc. of U.S., 444 Mich. 508, 510 N.W.2d 184 (1994); State v. Otten, 2011 MT 83, 360 Mont. 144, 253 P.3d 834 (2011); State v. Richardson, 113 N.M. 740, 1992-NMCA-041, 832 P.2d 801 (Ct. App. 1992); State v. Heins, 72 Ohio St. 3d 504, 1995-Ohio-208, 651 N.E.2d 933 (1995); State v. Vasser, 870 S.W.2d 543 (Tenn. Crim. App. 1993); State v. Sohn, 193 Wis. 2d 346, 535 N.W.2d 1 (Ct. App. 1995).
- 6 City and County of Denver v. Gonzales, 17 P.3d 137 (Colo. 2001); State v. Kaiser, 2006 WL 2726836 (N.J. Super. Ct. App. Div. 2006); State v. Sohn, 193 Wis. 2d 346, 535 N.W.2d 1 (Ct. App. 1995).
- 7 State v. Delap, 237 Mont. 346, 772 P.2d 1268 (1989); County of Westchester v. Winstead, 231 A.D.2d 630, 647 N.Y.S.2d 536 (2d Dep't 1996); Putka v. Parma, 90 Ohio App. 3d 647, 630 N.E.2d 380 (8th Dist. Cuyahoga County 1993); State v. McGary, 37 Wash. App. 856, 683 P.2d 1125 (Div. 1 1984).
- 8 Willson v. Cagle, 694 F. Supp. 713 (N.D. Cal. 1988).
- 9 People v. Cephas, 110 Misc. 2d 1075, 443 N.Y.S.2d 558 (Sup 1981).
- 10 Nationwide Mut. Ins. Co. v. Worthey, 314 Ark. 185, 861 S.W.2d 307 (1993); Mull v. Equitable Life Assur. Soc. of U.S., 444 Mich. 508, 510 N.W.2d 184 (1994); State v. Richardson, 113 N.M. 740, 1992-NMCA-041, 832 P.2d 801 (Ct. App. 1992); Lemon v. Federal Ins. Co., 111 Wis. 2d 563, 331 N.W.2d 379 (1983).
- 11 State v. Heins, 72 Ohio St. 3d 504, 1995-Ohio-208, 651 N.E.2d 933 (1995); Gallo v. J.C. Penney Cas. Ins. Co., 328 Pa. Super. 267, 476 A.2d 1322 (1984); State v. Vasser, 870 S.W.2d 543 (Tenn. Crim. App. 1993).
- 12 In re Fall, 192 B.R. 16 (Bankr. D. N.H. 1995) (applying New Hampshire law); State Farm Fire & Cas. Co. v. Berra, 891 S.W.2d 150 (Mo. Ct. App. E.D. 1995); Ozolins v. North Lake Community College, a Div. of Dallas County Community College Dist., 805 S.W.2d 614, 66 Ed. Law Rep. 852 (Tex. App. Fort Worth 1991); State v. Martin, 55 Wash. App. 275, 776 P.2d 1383 (Div. 1 1989).
- 13 General Aviation, Inc. v. Cessna Aircraft Co., 915 F.2d 1038, 14 U.C.C. Rep. Serv. 2d 73 (6th Cir. 1990); State v. Heins, 72 Ohio St. 3d 504, 1995-Ohio-208, 651 N.E.2d 933 (1995).
- 14 Willison v. Race, 192 B.R. 949 (W.D. Mo. 1995).
- 15 Gonzales v. City and County of Denver, 998 P.2d 51 (Colo. App. 1999), *aff'd*, 17 P.3d 137 (Colo. 2001); Mike Eskew Motor Co., Inc. v. Kelley, 583 So. 2d 95 (La. Ct. App. 3d Cir. 1991); Allstate Ins. Co. v. Department of Management & Budget, 259 Mich. App. 705, 675 N.W.2d 857 (2003); Great American Ins. Co. v. Golla, 493 N.W.2d 602 (Minn. Ct. App. 1992); St. Louis Flying Club v. St. Louis County, 866 S.W.2d 929 (Mo. Ct. App. E.D. 1993).
- 16 Bertrand v. Board of County Com'rs of Park County, 872 P.2d 223 (Colo. 1994); Mike Eskew Motor Co., Inc. v. Kelley, 583 So. 2d 95 (La. Ct. App. 3d Cir. 1991); MacLean v. Hingham Mut. Fire Ins. Co., 51 Mass. App. Ct. 870, 750 N.E.2d 494 (2001); Great American Ins. Co. v. Golla, 493 N.W.2d 602 (Minn. Ct. App. 1992); St. Louis Flying Club v. St. Louis County, 866 S.W.2d 929 (Mo. Ct. App. E.D. 1993); State v. Otten, 2011 MT 83, 360 Mont. 144, 253 P.3d 834 (2011).
- 17 State v. Vasser, 870 S.W.2d 543 (Tenn. Crim. App. 1993).
- 18 Martinez v. Hitachi Const. Machinery Co., Ltd., 15 Misc. 3d 244, 829 N.Y.S.2d 814 (Sup 2006).
- 19 State v. Weyer, 831 N.E.2d 175 (Ind. Ct. App. 2005); State v. Otten, 2011 MT 83, 360 Mont. 144, 253 P.3d 834 (2011) (four-wheeler);
Com. v. Soldega, 80 Mass. App. Ct. 853, 957 N.E.2d 1113 (2011); State v. Cook, 2017 UT App 8, 2017 WL 128247 (Utah Ct. App. 2017).

20 Van Guilder v. Collier, 248 Mich. App. 633, 650 N.W.2d 340 (2001).
21 Stonger ex rel. Stonger v. Riggs, 85 S.W.3d 703 (Mo. Ct. App. W.D. 2002).
22 State v. Greenman, 825 N.W.2d 387 (Minn. Ct. App. 2013).
23 People v. Varela, 193 Cal. App. 4th 1216, 122 Cal. Rptr. 3d 829 (2d Dist. 2011), as modified, (Apr. 25, 2011).
24 Coker v. State, 261 Ga. App. 646, 583 S.E.2d 498 (2003); Case of Carey, 66 Mass. App. Ct. 749, 850 N.E.2d
610 (2006).
25 State v. Russell, 508 N.W.2d 697 (Iowa 1993).
26 Kenton County Public Parks Corp. v. Modlin, 901 S.W.2d 876 (Ky. Ct. App. 1995).
27 Burrell ex rel. Schatz v. O'Reilly Automotive, Inc., 175 S.W.3d 642 (Mo. Ct. App. S.D. 2005).
28 U.S. v. Bibbins, 637 F.3d 1087 (9th Cir. 2011) (applying Nevada law) (holding that since the truck was a
motor vehicle, the obstructing of the truck's license plate with a small garbage bag violated a state statute
that required every license plate be clearly visible and free from foreign materials).
29 Metal Management West, Inc. v. State, 251 P.3d 1164 (Colo. App. 2010).
30 State v. Meister, 849 So. 2d 1127 (Fla. 4th DCA 2003).
31 Mitchell v. Director of Revenue, 255 S.W.3d 12 (Mo. Ct. App. S.D. 2008).
32 State v. Eikleberry, 184 Ohio App. 3d 219, 2009-Ohio-3648, 920 N.E.2d 394 (9th Dist. Wayne County 2009).

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